

EXHIBIT 14

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

BMG RIGHTS MANAGEMENT)
(US) LLC, and ROUND HILL)
MUSIC LP,) No. Case No.
Plaintiffs,) 1:14-cv-1611 (LOG/
V.) JFA)
COX ENTERPRISES, INC.,)
COX COMMUNICATIONS,)
INC., COXCOM, LLC,)
Defendants.)
-----)

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF ROBERT STEELE 30(B)(6)
Los Angeles, California
Wednesday, July 29, 2015

Reported by:
LORI M. BARKLEY
CSR No. 6426
Job No. 2111442-B
PAGES: 1 - 52

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1 "TRANSCRIPT DEEMED HIGHLY CONFIDENTIAL"

2

3 Los Angeles, California, Wednesday, July 29, 2015

4 5:09 p.m.

5 17:09:14

6 VIDEO OPERATOR: We are on the record at 17:09:28

7 5:09 p.m., on July 29th, 2015. This is the video 17:09:30

8 recorded deposition of 30(b)(6) Robert Steele. 17:09:36

9 My name is Julian Shine, here with our court 17:09:40

10 reporter, Lori Barkley. We are here from Veritext 17:09:42

11 Legal Solutions at the request of counsel for 17:09:50

12 defendants. 17:09:52

13 This deposition is being held at 2121 Avenue 17:09:52

14 of the Stars, in Los Angeles, California. Caption of 17:09:55

15 this case is BMG Rights Management, LLC, et al., 17:09:57

16 versus Cox Enterprises, Incorporated, et al., Case 17:10:01

17 Number 1:14-cv-1611 (LO/JFA). 17:10:04

18 Please note that audio and video recording 17:10:15

19 will take place unless all parties agree to go off 17:10:18

20 the record. Microphone are sensitive and may pick up 17:10:20

21 whispers, private conversations and cellular 17:10:24

22 interference. 17:10:26

23 I'm not authorized to administer an oath. 17:10:27

24 I'm not related to any party in this action, nor am I 17:10:30

25 financially interested in the outcome in any way. 17:10:32

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1 If there are any objections to proceeding, 17:10:36
2 please state them at the time of your appearance, and 17:10:37
3 we'll begin with appearances with the noticing 17:10:40
4 attorney. 17:10:42

5 MR. NERCESSIAN: This is Armen Nercessian of 17:10:42
6 Fenwick & West, representing the defendants. And 17:10:45
7 with me are my colleagues, David Hayes of Fenwick & 17:10:48
8 West, and our summer associate, Eric Dunn, and also 17:10:54
9 accompanying us is William Rosenblatt and Christopher 17:10:57
10 Rucinski. 17:11:04

11 MR. CARACAPPA: John Caracappa from 17:11:06
12 Steptoe & Johnson from Rightscorp. 17:11:08

13 MS. JOHNSON: Stephanie Roberts from 17:11:10
14 Steptoe & Johnson for Rightscorp and Plaintiffs. 17:11:11

15 MR. CARACAPPA: Greg Boswell from Rightscorp 17:11:17
16 is here as well. 17:11:19

17 VIDEO OPERATOR: Thank you. 17:11:19

18 The witness will be sworn in and Counsel may 17:11:20
19 begin the examination. 17:11:23

20

21 ROBERT STEELE,
22 having been administered an oath, was examined and
23 testified as follows:

24

25

1 Q. What role do you have? 18:23:06

2 A. I explain business objectives to Greg in a 18:23:19

3 way that they -- that he can put them into -- into 18:23:24

4 software. 18:23:30

5 Q. Do you know what a version control system 18:23:33

6 is? 18:23:36

7 A. Yes. 18:23:37

8 Q. Have you ever used a version control system? 18:23:39

9 MR. CARACAPPA: Object as outside the scope. 18:23:43

10 Asked and answered. 18:23:51

11 And I'm not going to let you ask the same 18:23:52

12 questions of the witnesses, so I'll give you a little 18:23:54

13 leeway, but I think that Mr. Boswell testified a fair 18:23:58

14 amount about version control systems. 18:24:01

15 MR. NERCESSIAN: And this is the business 18:24:04

16 rules behind the software development. 18:24:05

17 MR. CARACAPPA: I think that the testimony 18:24:11

18 is duplicative of what Mr. Boswell's already 18:24:13

19 testified to. This question I think you're asking 18:24:18

20 for Robert's personal experience, which is fine, but 18:24:20

21 again, we spent probably 45 minutes on this with 18:24:26

22 Greg. 18:24:33

23 So the question is: Have you ever used a 18:24:35

24 version control system? 18:24:37

25 THE WITNESS: I've worked for companies that 18:24:38

1 used version control systems. As I sit here, I don't 18:24:40
2 have any direct recollection of me logging in and 18:24:44
3 personally using the systems. 18:24:47
4 BY MR. NERCESSIAN: 18:24:48
5 Q. What version control systems do you have 18:24:49
6 experience with? 18:24:51
7 A. The last time would have been 15 years ago, 18:24:56
8 and I don't recall the name of the tool. 18:24:58
9 Q. Did you consider using a version control 18:25:01
10 system in connection with software development at 18:25:05
11 Rightscorp? 18:25:09
12 A. No. 18:25:12
13 Q. Why not? 18:25:14
14 A. We're a small company with one developer. 18:25:17
15 MR. NERCESSIAN: Lori, I'd like to use what 18:25:47
16 we have previously marked as Boswell 25. 18:25:48
17 Q. Mr. Steele, do you recognize the exhibit 18:27:06
18 before you? 18:27:08
19 A. No. This is the first time I've seen this. 18:27:08
20 Q. I refer your attention to paragraph 35 of 18:27:11
21 the report. You can just read it to yourself. 18:27:34
22 A. I've read it. 18:28:27
23 Q. Okay. So paragraph 35 contains two 18:28:28
24 statements of representations made to Barbara 18:28:34
25 Frederiksen-Cross by you. The first is that 18:28:37

1 Sampleit 2 or Sampleit 3 uses a ratio that affects 18:28:49
2 the number of files downloaded. 18:28:55
3 Do you recall making that representation to 18:29:02
4 Miss Frederiksen-Cross at any point? 18:29:04
5 MR. CARACAPPA: Objection to the extent it 18:29:05
6 mischaracterizes the document, lacks foundation. 18:29:07
7 But you can answer the question, if you 18:29:10
8 recall. 18:29:13
9 THE WITNESS: This is the first time I've 18:29:18
10 seen the report. I've read 35 and I've read 52. I'm 18:29:19
11 familiar with how -- 18:29:25
12 MR. CARACAPPA: Just to be clear, 35 I think 18:29:26
13 refers to paragraph 52 of the Rucinski report, right? 18:29:32
14 MR. NERCESSIAN: That's correct. 18:29:35
15 MR. CARACAPPA: Not paragraph 52 of the 18:29:36
16 Barbara report. 18:29:39
17 THE WITNESS: Right. So having never seen 18:29:42
18 this report, so I'm familiar with how Sampleit 2 18:29:43
19 works, I'm familiar with how Sampleit 3 works, but 18:29:46
20 having never read this report, I'm not -- as I sit 18:29:51
21 here, I'm not sure what she's referring to by the 18:29:55
22 term "sampling ratio." 18:29:57
23 If I conferred with Greg, I could be more 18:29:59
24 certain, but -- but it's not clear to me what she 18:30:02
25 means by "sampling ratio information." 18:30:11

1 BY MR. NERCESSIAN: 18:30:12

2 Q. Okay. Does Sampleit 3 collect two songs per 18:30:13

3 peer, per Sampleit run? 18:30:25

4 A. I'm not certain. 18:30:40

5 Q. Do you remember making a representation that 18:30:41

6 Sampleit 3 collects two songs per peer per Sampleit 18:30:44

7 run to Barbara Frederiksen-Cross? 18:30:48

8 MR. CARACAPPA: Objection. Form, outside 18:30:56

9 the scope. 18:30:57

10 You can answer it to the extent you remember 18:30:58

11 it. 18:30:59

12 THE WITNESS: I don't -- I do not remember, 18:31:00

13 but that -- but I'm not conflicting what she said. 18:31:01

14 It could have been two years ago, the conversation. 18:31:05

15 BY MR. NERCESSIAN: 18:31:18

16 Q. I just want to refer your attention to -- 18:31:18

17 actually, strike that. I'm good with this exhibit. 18:31:38

18 Does the Sampleit 3 code collect two songs 18:31:42

19 today? 18:31:52

20 A. I'm not certain. 18:31:55

21 MR. NERCESSIAN: Can we take five? 18:32:04

22 MR. CARACAPPA: Yep. 18:32:05

23 MR. NERCESSIAN: That's good. 18:32:06

24 VIDEO OPERATOR: We are off the record at 18:32:08

25 6:32 p.m. 18:32:09

1 STATE OF CALIFORNIA) ss.

2 COUNTY OF LOS ANGELES)
3

4 I, Lori M. Barkley, CSR No. 6426, do hereby
5 certify:

6 That the foregoing deposition testimony
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me, and
13 were thereafter transcribed under my direction and
14 supervision, and that the foregoing pages contain a
15 full, true and accurate record of all proceedings and
16 testimony to the best of my skill and ability.

17 I further certify that I am neither counsel
18 for any party to said action, nor am I related to any
19 party to said action, nor am I in any way interested
20 in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my
22 name this 30th day of July, 2015.

23 
24

25 LORI M. BARKLEY, CSR No. 642615